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May 15, 2008

BY ECF

Hon. Chief Magistrate Judge Steven M. Gold
United States District Court
Eastern District of New York
225 Cadman Plaza East,
Chambers 1217
Brooklyn, New York 11201

RE: *Motorola, Inc., v. Gad Abeckaser, et al.*
United States District Court, Eastern District of New York CV No.: 07-3963

Honorable Chief Magistrate Gold:

This firm represents plaintiff Motorola, Inc. ("Motorola") in the above referenced action. We write pursuant to Your Honor's Preliminary Conference Order of March 6, 2008, to inform the Court of the status of discovery in the action. As we informed Your Honor on March 6, 2008, the Queens County District Attorney's Office impounded Defendant's computers during the execution of a search warrant (issued in connection with a criminal action that the Queens County District Attorney has now commenced against certain employees of Defendant), and remains in possession of the computers. We have been negotiating with the Assistant District Attorney (the "ADA") handling the criminal action to obtain access to the computers, specifically the business records Defendant has indicated are contained therein. The ADA is considering our request.

We are hopeful that the ADA will grant our request, but if the ADA does not, we may need to serve formal discovery on the ADA for the opportunity to inspect and forensically analyze the computer.

Although we had hoped to avoid doing so in order to conserve everyone's time and resources, given the delay in obtaining access from the Queens County District Attorney, in the interim Motorola will serve discover upon Defendant in an effort to obtain any relevant information independent of a forensic examination of the aforementioned computers.



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We remain at the Court's disposal should Your Honor have any questions or directives regarding the foregoing.

Respectfully submitted,

SEYFARTH SHAW LLP


Eddy Salcedo
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cc: Meir Moza, Esq. (via ecf)
Bart Lazar, Esq. (via e-mail)